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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,673	12/04/2003	Denver C. Snuffer		3195

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,673

Applicant(s)

SNUFFER ET AL

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

This is the first Office Action for Application Serial No. 10/729,673, Foldable Table Top Easel, filed December 4, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 12, and 14-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 2, “the left support member and right support member” lacks proper antecedent basis. A similar problem occurs at lines 1 and 3 of claims 5 and 29, respectively.

In claim 12, line 3, “each pedestal top” should read –each said pedestal top-.

In claim 12, line 4, the pronoun “it” should be replaced by its proper noun to avoid any instance of ambiguity. A similar problem occurs in claims 14 and 36.

In claim 24, lines 7 and 8, “the vertical bottom portion” lacks proper antecedent basis.

In claim 27, line 3, “a horizontal tab joint” should read –the horizontal tab joint-, since antecedence for the language is found at lines 2 and 3 of claim 25.

In claim 31, line 2, “the easel material” lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-9, 12, 14-16, 18-21, 24-28, 30-33, and 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,439,719 to Whipple in view of

U.S. Patent No. 582,333 to Wright. The present invention reads on Wright as follows:

Wright teaches an adjustable cardboard easel. This easel comprises a pair of opposing support members (3), and a positioning tab (5). The support member is rotatably connected in a vertical central joint (2). The positioning tab has an attachment end (6) rotatably attached to one of the support members (at 4) in a tab joint adjacent to the central joint and the opposing support member has a receiving insert (the area near 12) adjacent to the central joint. The receiving insert has a tab rib (12) on the end of the receiving insert opposite the central joint. The positioning tab has a free end and the positioning tab has peripheral edge with one or more tabs slots in the peripheral edge (13). The positioning tab is semicircular tab with a tab edge, which is more or less vertical on the free end. The receiving insert encompasses the free end when the easel is in a flat configuration. See figure 2. The support member that the positioning tab is attached to has an attachment insert contiguous to the receiving insert. The attachment insert has a horizontal insert base (defined along 7) and the attachment end of the positioning tab has a horizontal tab edge (6). The insert base being rotatably attached to the tab edge in a horizontal tab joint and the attachment insert encompasses the attachment end when the easel is in a flat configuration. The tab slots are dimensioned to fit snugly on the tab rib as the left and right support members are rotated from the flat position to a display

Art Unit: 3632

position. The positioning tab is rotated from an unlocked position to a locked position. The easel is of unitary construction with joints formed by scoring of the easel material. The easel is constructed of cardboard. However, Whipple fails to teach a respective pedestal member.

Wright teaches a cardboard easel comprising a pair of opposing support members, and a pair of opposing pedestal members, wherein a respective pedestal member is attached to the lower portion of a respective support member. Each pedestal top is roughly perpendicular to the tapered upper portion of the support member to which it is attached. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the support members as taught by Whipple to have incorporated the pedestal members as taught by Wright for the purpose of securing the edge of the article to be held therein

Claims 10, 11, 22, 23, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whipple in view of Wright as applied to claims 1-4, 6-9, 12, 14-16, 18-21, 24-28, 30-33 and 36 above, and further in view of U.S. Patent No. 5,083,663 to Conway. Whipple in view of Wright teaches the limitations of the base claim, excluding the easel being constructed of plastic.

Conway teaches an easel panel formed from a foldable blank. This easel is constructed of plastic. It would have been obvious to one having ordinary skill in the art to have modified the easel of Whipple in view of Wright to have incorporated the plastic material as taught by Conway for the purpose of providing an easel that is lightweight and sturdy relative to that of cardboard.

Art Unit: 3632

Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whipple in view of Wright as applied to claims 1 and 24, and further in view of U.S. Patent No. 2,652,647 to Suciu. Whipple in view of Wright teaches the limitations of the base claim, excluding the pedestal member being rotatably attached to the lower portion of the respective support member.

Suciu teaches a foldable holder having pedestal members (26, 28). The pedestals are attached to the body by fold lines (38, 40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pedestal as taught by Whipple in view of Wright to have incorporated the score lines or fold lines as taught by Suciu for the purpose of readily folding the pedestal in the collapse orientation.

Allowable Subject Matter

Claims 5, 17 and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the left and right support members being divided into left and right top panels and the left and right bottom panels, the left and right top panels and the left and right bottom panels being rotatably connected in a horizontal left and right panel joint.

Art Unit: 3632

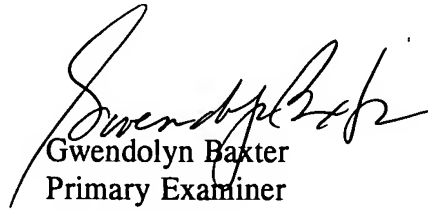
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mills 1,399,507, Wilson 773,177, Dahlberg 809,785, Springman 1,132,629 and Duff 5,868,373 teaches easel having support members and a vertical central joint.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

September 24, 2004